

# Third District Court of Appeal

## State of Florida

Opinion filed June 17, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-1896  
Lower Tribunal No. 18-1318

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**Richard Figueredo,**  
Appellant,

vs.

**Ana M. Cordero,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jorge E. Cueto,  
Judge.

Richard Figueredo, in proper person.

Carlos A. Santos, II, for appellee.

Before SALTER, LINDSEY and GORDO, JJ.

PER CURIAM.

Richard Figueredo appeals the trial court's denial of his petition for revocation of probate and asserts he was precluded from participating in the hearing. Figueredo, who is incarcerated, filed a motion on July 22, 2019, to appear telephonically at the hearing scheduled for August 1, 2019. The record before us does not reflect that the trial court ruled on Figueredo's motion to appear by telephone. On August 1, 2019, the court denied the petition for revocation of probate based on Figueredo's failure to appear.

“An incarcerated party has a right to be heard in civil matters if the party has brought to the court's attention his or her desire to appear personally or telephonically.” Butler v. Norton, 158 So. 3d 750, 751 (Fla. 1st DCA 2015) (quoting Garrett v. Pratt, 128 So. 3d 928, 928 (Fla. 5th DCA 2013)). “When a party is incarcerated and cannot physically appear in a civil matter, the trial court normally should grant a request to hold necessary hearings by telephone, pursuant to the procedure outlined in Florida Rule of Judicial Administration [2.530], as an alternative to requiring that the inmate be transported to the hearing by the state.” Id. (quoting Johnson v. Johnson, 783 So. 2d 326, 327 (Fla. 1st DCA 2001)); see Fla. R. Jud. Admin. 2.530(c).<sup>1</sup> As the trial court did not issue any ruling regarding

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<sup>1</sup> Pursuant to Florida Rule of Judicial Administration 2.530(c):

A county or circuit court judge may, upon the written request of a party upon reasonable notice to all other parties, permit a requesting party to participate through

Figueredo's motion, we reverse and remand for further proceedings to include permitting him to file another motion for telephonic hearing.

Reversed and remanded.

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communication equipment in a scheduled motion hearing; however, any such request (except in criminal, juvenile, and appellate proceedings) must be granted, absent a showing of good cause to deny the same, where the hearing is set for not longer than 15 minutes.